

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICANT: Mark S. Carruthers, et al. )

SERIAL NO.: 10/625,949 )

FILED: July 23, 2003 )

FOR: Pharmaceutical Laser Drilling )  
System )

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Examiner: Evans, Geoffrey S.  
Art Unit: 1725

Commissioner for Patents  
Washington, D.C. 20231

Sir:

DECLARATION UNDER 37 CFR 1.131

I, David D. Newbold, declare that:

1. This declaration is to establish completion of the invention of this application in the United States at a date prior to December 31, 2001, that is the effective date of U.S. Patent 6,756,564 B2 that was cited by the examiner.
2. I am one of the inventors of the instant application.
3. To establish the date of completion of the invention of claims 6-10 of this application, reproduction of a portion of the manual for the laser drill is submitted as evidence as Exhibits A. The laser drill and this portion of the manual were prepared prior to December 31, 2001.
4. From these documents it can be seen that the invention of claims 6-10 in this application was made in the United States at least by the date of

December 30, 2001, which is a date earlier than the effective date of the reference.

5. In particular attached to this declaration are excerpts from the manual related to work I performed and supervised in connection with the laser drill. The manual pages attached as Exhibit A show a laser drilling station having a debris removal system designed to capture the debris generated by the laser drilling operation. At page 4-61 of the manual, a debris removal assembly is shown comprising a debris enclosure extending from the lens assembly to the dosage form handling assembly. The debris removal assembly comprises an enclosure, an inlet, an outlet, a vacuum source, and a debris head that is in a fixed position relative to the dosage form handling assembly during movement of the lens assembly.

6. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 101 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

  
David D. Newbold

Date: 4/13/05